

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON  
SEMICONDUCTOR PRODUCTS, INC., and  
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 6:21-cv-00430-ADA

Civil Action No. 6:21-cv-00431-ADA

**JURY TRIAL DEMANDED**

**MOTION FOR ENTRY OF SCHEDULING ORDER**

The parties hereby submit their respective proposed scheduling orders for the above captioned cases. Plaintiff's proposal is submitted as Exhibit A. Defendants' proposal is submitted as Exhibit B. The proposed scheduling orders are identical with the exception of the following issue:

- Plaintiff's proposal includes post-*Markman* dates, while Defendants' proposal does not.
  - **Plaintiff's Position:** The Default Schedule included in the Court's OGP—last updated mere months ago—includes dates that begin with service of plaintiff's infringement contentions and end with a date for jury selection and trial. *See* Order Governing Proceedings – Patent Case Version 3.4 (June 24, 2021), available at <https://www.txwd.uscourts.gov/wp-content/uploads/Standing%20Orders/Waco/Albright/Order%20Governing%20Proceedings%20-%20Patent%20Cases%20062421.pdf>. Defendants do not identify any compelling reason to depart from the Court's default procedure, which sets

cases for trial at the outset as a matter of course. Netlist's counsel's experience is that the Court enters a schedule through trial in nearly all cases, and the Court can make subsequent adjustments to the schedule as it sees fit. Netlist disagrees that baking uncertainty and lack of predictability into the case at the outset is in anyone's best interest; the parties and the Court would benefit from entry of a full schedule. Entry of a full schedule will prevent unnecessary delay and ensure that the case proceeds efficiently.

- **Defendants' Position:** Defendants understand that identifying post-*Markman* dates at this time is not required under the Court's practice because the Court sets a trial date during the *Markman* hearing and the parties can work together to craft a schedule at that time for all post-*Markman* events. Due to the uncertainty of the trial date, and counsel's availability for dates affected by when the trial is set, Defendants believe that post-*Markman* dates can be added at a later time as has been the practice in counsel's prior cases in this Court.

Dated: September 24, 2021

/s/ Ryan A. Hargrave

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**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(b)(1) on this the 24<sup>th</sup> day of September, 2021.

/s/ Michael R. Rueckheim